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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

RICKY ALLEN,

3:08-CV-00430-RCJ(VPC)

Plaintiff,

v<sub>1</sub>

E.K. McDANIEL, *et al.*,

## Defendants.

## ORDER

14 Before the Court is the Report and Recommendation of U.S. Magistrate Valerie P. Cooke, (#40<sup>1</sup>)  
15 entered on August 31, 2010, recommending granting Defendants' Motion for Summary Judgment (#31).  
16 No objections have been filed.

17 The Court has conducted it's *de novo* review in this case, has fully considered the response of the  
18 Defendants, the pleadings and memoranda of the parties and other relevant matters of record pursuant  
19 to 28 U.S.C. § 636(b)(1)(B) and Local Rule IB 3-2. The Court determines that the Magistrate Judge's  
20 Report and Recommendation (#40) entered on August 31, 2010, should be adopted and accepted.

21 IT IS HEREBY ORDERED that the Magistrate Judge's Report and Recommendation (#40)  
22 entered on August 31, 2010, is adopted and accepted, and Defendants' Motion for Summary Judgment  
23 (#31) is GRANTED. The Clerk of the Court shall enter Judgment accordingly.

24 IT IS SO ORDERED.

25 DATED: this 21st day of September, 2010.

  
ROBERT C. JONES  
UNITED STATES DISTRICT JUDGE

<sup>1</sup>Refers to court's docket number.